

ATTORNEY'S DOCKET NUMBER: 26979U

MAIL STOP PCT

U.S. DEPARTMENT OF COMMERCE, PATENT AND TRADEMARK OFFICE		DATE: SEPTEMBER 21, 2005
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLN. NUMBER: (if known): Not Yet Assigned <b>10/550189</b>
INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296	INTERNATIONAL FILING DATE: 31 March 2004	PRIORITY DATE CLAIMED: 3 April 2003 (03.04.2003) IL
TITLE OF INVENTION: IMPLANT FOR TREATING IDIOPATHIC SCOLIOSIS AND A METHOD FOR USING THE SAME APPLICANT(S) FOR DO/EO/US: SIMANOVSKY, Naum		

Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3.  This is an express request to begin national examination procedures (35 USC 371(f)) The submission must include items(5), (6), (9) and (21) indicated below.
4.  A copy of the International Application as filed (35 U.S.C. 371(c)(2)):
  - a.  is transmitted herewith (required only if not transmitted by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
5.  A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).
6.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not transmitted by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendments has NOT expired.
  - d.  have not been made and will not be made.
7.  An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
8.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
9.  A translation of the annexes to the International Preliminary Examination Report under PCT article 36 (35 U.S.C. 371(c)(5)).

**ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:**

10.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
11.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
12.  A FIRST preliminary amendment.
13.  A SECOND or SUBSEQUENT preliminary amendment
14.  A substitute specification.
15.  A change of power of attorney and/or address letter.
16.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825
17.  A second copy of the published international application under 35 USC 154(d)(4)
18.  A second copy of the English language translation of the international application under 35 USC 154(d)(4)
19.  Other items or information:

TRANSMITTAL LETTER; INTERNATIONAL PUBLICATION NO.: WO 2004/086982 A2; INTERNATIONAL PUBLICATION DATE: 14 OCTOBER 2004; WHICH CONSISTS OF 34 PAGES: 2 PAGES FOR THE COVER SHEET, 20 PAGES OF TEXTUAL SPECIFICATION, 5 PAGES OF 21 CLAIMS, 0 SHEETS OF AN ABSTRACT, 7 SHEETS OF DRAWINGS; PRELIMINARY AMENDMENT WITH ATTACHMENTS A AND B TO BE EXAMINED; UNEXECUTED DECLARATION AND POWER OF ATTORNEY; INTERNATIONAL PUBLICATION NO.: WO 2004/086982 A3; INTERNATIONAL PUBLICATION DATE: 14 OCTOBER 2004; WHICH CONSISTS OF THE INTERNATIONAL SEARCH REPORT (PCT/ISA/210); POSTCARD FOR EARLY NOTIFICATION OF THE SERIAL NUMBER REQUEST.

10/550189

JC05 Rec'd PCT/PTO 21 SEP 2005

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U.S. APPLICATION NUMBER: (If known): Not Yet Assigned	INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296	DATE: SEPTEMBER 21, 2005																					
<p>The following fees are submitted:</p> <table> <tr> <td>20. Basic National Fee .....</td> <td>\$ 300.00</td> <td></td> </tr> <tr> <td>21. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) .....</td> <td>\$ 100.00</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$ 200.00</td> <td></td> </tr> <tr> <td>22. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office .....</td> <td>\$ 400.00</td> <td></td> </tr> <tr> <td>All other situations .....</td> <td>\$ 500.00</td> <td></td> </tr> <tr> <td colspan="3">Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.</td> </tr> <tr> <td colspan="2">ENTER APPROPRIATE BASIC FEE AMOUNT =</td> <td>\$ 900.00</td> </tr> </table>			20. Basic National Fee .....	\$ 300.00		21. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) .....	\$ 100.00		All other situations .....	\$ 200.00		22. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office .....	\$ 400.00		All other situations .....	\$ 500.00		Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.			ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 900.00
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ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 900.00																					
Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 0.00																					
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE																				
TOTAL	21-20=	1	X \$ 50.00	\$ 50.00																			
INDEPENDENT	1- 3=	0	X \$ 200.00	\$ 0.00																			
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00																			
TOTAL OF ABOVE CALCULATIONS =			\$ 950.00																				
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).			\$ -475.00																				
SUBTOTAL =			\$ 475.00																				
Processing fee of \$130.00 for furnishing the English translation later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +			\$ 0.00																				
TOTAL NATIONAL FEE =			\$ 475.00																				
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +			\$ 0.00																				
TOTAL FEES ENCLOSED =			\$ 475.00																				
			Amount to be: refunded	\$																			
			charged	\$																			

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U.S. APPLICATION NUMBER: (If known): Not Yet Assigned

INTERNATIONAL APPLICATION NUMBER: PCT/IL2004/000296

DATE: SEPTEMBER 21, 2005

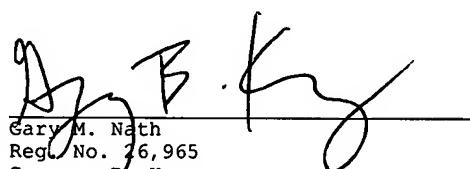
- a.  A check in the amount of \$ 475.00 to cover the above fees is enclosed.
- b.  Please charge my Deposit Account Number: 14-0112 in the amount of \$ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c.  The Commissioner is hereby authorized to charge any additional fees, which June be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d.  Fees are to be charged to a credit card  WARNING: Information on this form June become public  Credit Card Information should not be included on this form.  
 Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

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10/550189

MAIL STOP PCT  
Attorney Docket: 26979U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
**JG05 Rec'd PCT/PTO 21 SEP 2005**

In re Application of:

SIMANOVSKY

Serial No.: Not Yet Assigned

Filed: September 21, 2005

Internat'l. Appl. No.: PCT/IL2004/000296

Internat'l. Filing Date: 31 March 2004 (31.03.2004)

Title: **IMPLANT FOR TREATING IDIOPATHIC SCOLIOSIS AND A METHOD FOR USING THE SAME**

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

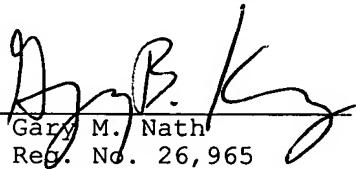
Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- (2) International Publication No.: WO 2004/086982 A2; International Publication Date: 14 October 2004; which consists of 34 pages:  
    2 pages for the Cover Sheet,  
    20 pages of Textual Specification,  
    5 pages of 21 Claims,  
    0 sheets of an Abstract,  
    7 sheets of Drawings;
- (3) **Preliminary Amendment with Attachments A and B to be Examined;**
- (4) Unexecuted Declaration and Power of Attorney;
- (5) International Publication No.: WO 2004/086982 A3; International Publication Date: 14 October 2004; which consists of the International Search Report (PCT/ISA/210);
- (6) Check No.: 23665 in the Amount of \$ 475.00 for the Basic Filing Fee, which includes the Search and Examination Fees (\$450.00), and for 1 Total Claims over 20 (\$25.00), as a Small Entity;
- (7) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: September 21, 2005

By:

  
Gary M. Nath  
Reg. No. 26,965  
Gregory B. Kang  
Reg. No. 45,273  
Customer No. 20529

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